THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27391 of 2003

Dated:11.07.2007

Between
Babulal Parmar

.....Petitioner

and

1.Assistant Divisional Engineer,
(Oprs) Central Power
Distribution Co of AP
Limited, Operations, South
Circle, Hyderabad and another.

...Respondents

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W.P.No.27391 of 2003

ORDER

This writ petition has been filed seeking a Mandamus to declare the action of the respondents in disconnecting power supply to the petitioner's SSI Unit *vide* service connection No.L5 3543 and link service connection No.L5-2636 on 30.12.2003, as arbitrary and illegal and consequently to direct the respondents to dispose of the representations filed by the petitioner on 27.11.2003 and 16.12.2003 after putting him on notice.

It appears that the petitioner is running SSI Unit and sought power connection as a commercial unit. It seems instead of collecting bills on the basis of a commercial unit, the

respondent-department by mistake treated it as a domestic one and after realizing the same, they have issued a provisional assessment order asking the petitioner to pay the demand on the ground that there was a pilferage of energy. Aggrieved by the same, the petitioner earlier filed WP No.25102 of 2003 and the same was disposed of on 2.12.2003 directing the respondents to pass appropriate orders. In spite of there being a direction to take the representation into consideration while passing the final order, the representation filed by the petitioner on 27.11.2003 was not taken into consideration and the impugned order was passed disconnecting the power supply to the SSI unit of the petitioner.

While admitting the writ petition on 31.12.2003 in WPMP 34712 of 2003 this Court granted interim direction to the respondents to restore power supply to the petitioner's SSI Unit on depositing an amount of RS.25,000/-

within one week and if the petitioner fails to deposit the same, it is open for the 2nd respondent to disconnect the power supply.

Learned counsel for the petitioner states that the said interim order has been complied with.

In view of the above, since the representation dated 27.11.2003 as directed by this Court in earlier writ petition was not taken into consideration while passing the present impugned order, the respondents are directed to re-open the matter and take the representations filed by the petitioner dated 27.11.2003 and on 16.12.2003 into consideration for the purpose of passing final assessment order, after putting the petitioner on notice in this regard, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the interim order passed by this Court shall continue.

With the above direction, the writ petition is disposed of. No costs.

11-07-2007

Note: Issue CC by one week.
(B.o) rkk